

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
NIOCOLE M. MORRISON,	:	LS0712033BAC
RESPONDENT.	:	
	:	

Division of Enforcement Case File Number: 06 BAC 108

The parties to this action for the purposes of Section 227.53 of the Wisconsin statutes are:

Nicole M. Morrison  
1951 Thurston Avenue  
Racine, Wisconsin 53403

Barbering and Cosmetology Examining Board  
Post Office Box 8935  
Madison, Wisconsin 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
Post Office Box 8935  
Madison, Wisconsin 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Nicole M. Morrison was duly licensed as a barbering or cosmetology practitioner in the state of Wisconsin (license #82-85242). This license was first granted on November 30, 2005, and expired on July 1, 2007. The last address reported to the Department of Regulation and Licensing (Department) by Ms. Morrison is 1951 Thurston Avenue, Racine, Wisconsin 53403.
2. Ms. Morrison has the right to renew her barbering or cosmetology practitioner license upon payment of a late fee and the renewal credential fee pursuant to Sec. 440.08(3), Stats. As of this date, no renewal fees and late fees have been received from Ms. Morrison.
3. Ms. Morrison was also duly licensed as a barber/cosmetology apprentice. This licensed was granted on August 14, 2003, and expired on August 14, 2006.
4. From approximately November 11, 2005, through approximately November 11, 2006, Ms. Morrison rented a booth and practiced barbering and cosmetology at Allure, 5429 Spring Street, Racine, Wisconsin 53406. At no time during that time period, was Ms. Morrison licensed as barbering or cosmetology manager nor was the booth licensed as barbering or cosmetology establishment, both contrary to Wisconsin Administrative Code § 3.02(2)(b).
5. During the approximately November 11, 2005, through approximately November 11, 2006 time frame,

Allure was not licensed by the state of Wisconsin as a barbering and cosmetology establishment.

6. In resolution of this matter, Nicole M. Morrison consents to the entry of the following Conclusions of Law and Order.

### **CONCLUSIONS OF LAW**

1. The Wisconsin Barbering and Cosmetology Examining Board has jurisdiction to act in this matter pursuant to Wis. Stats. Sec. 454.15.

2. The Wisconsin Barbering and Cosmetology Examining Board is authorized to enter into the attached stipulation pursuant to Wis. Stats. Sec. 227.44(5).

3. By the conduct referred to in Paragraphs 4. and 5. of the Findings of Fact, Nicole M. Morrison has violated Wis. Stat. sec. 454.08(1)(b). Except as permitted by rule promulgated under par. (a), no person may practice barbering or cosmetology, aesthetics, electrology or manicuring in an establishment unless the establishment is licensed to provide that practice under sub.(2).

4. By the conduct referred to in Paragraphs 4. and 5. of the Findings of Fact, Nicole M. Morrison has violated Wis. Stat. sec. 454.15(2)(i). Violated this chapter or any rule promulgated under this chapter.

5. By the conduct referred to in Paragraphs 4. and 5. of the Findings of Fact, Nicole M. Morrison has violated Wis. Admin. Code § BC 2.04(1). Licensees may not assist or participate in the unauthorized or unlicensed practice of barbering and cosmetology, aesthetics, electrology or manicuring.

6. By the conduct referred to in Paragraphs 4. and 5. of the Findings of Fact, Nicole M. Morrison has violated Wis. Admin. Code § BC 2.045(1). Licensees shall not provide personal care services outside of a licensed establishment, except for persons who are unable to leave their homes because of illness or disability or for person who are in hospitals, nursing homes, correctional institutions or other institutions.

7. By the conduct referred to in Paragraph 4. of the Findings of Fact, Nicole M. Morrison has violated Wis. Admin. Code § BC 2.06(5). In the case of an owner of a barbering and cosmetology establishment, employ a manager who shall have direct authority over the operations of the establishment.

8. By the conduct referred to in Paragraphs 4. and 5. of the Findings of Fact, Nicole M. Morrison has violated Wis. Admin. Code § BC 2.08(1)(b). Licensees holding current licenses or permits granted under ch. 454, Stats., shall:

(b) Be responsible for their own professional practice, conduct and compliance with ch. BC 2.

9. By the conduct referred to in Paragraphs 4. and 5. of the Findings of Fact, Nicole M. Morrison has violated Wis. Admin. Code § BC 3.01(1). Barbering and cosmetology, aesthetics, electrology and manicuring shall not be practiced outside the confines of a licensed establishment except as provided in s. BC 2.045.

10. By the conduct referred to in Paragraphs 4. and 5. of the Findings of Fact, Nicole M. Morrison has violated Wis. Admin. Code § BC 3.02(1). The owner of a barbering and cosmetology establishment shall not operate the establishment unless a licensed manager has been employed for the establishment.

11. By the conduct referred to in Paragraph 4. of the Findings of Fact, Nicole M.

Morrison has violated Wis. Admin. Code § BC 3.02(2)(b). The lessee of a chair or booth shall be responsible for ensuring that the leased chair or booth operates in compliance with ch. 454, Stats., and the rules of the board, and the lessee shall hold a manager's and an establishment license.

**ORDER**

NOW, THEREFORE, **IT IS HEREBY ORDERED** that the Barbering and Cosmetology Examining Board accepts the **SURRENDER** of Nicole M. Morrison's barbering or cosmetology practitioner license (number #82-85242).

IT IS FURTHER ORDERED that Nicole M. Morrison pay full costs in the amount of Three HUNDRED dollars (\$300.00) in this matter.

Payment shall be submitted in eight (8) \$37.50 installments. The first installment shall be submitted thirty (30) days after the effective date of this Order. The second installment shall then be submitted ninety (90) days after first installment. Each of the remaining eight (6) installments shall be then be submitted on a ninety day (90) schedule.

The full amount of the costs may be paid at any time prior to each due date for payment.

Payment shall be made by ***certified check or money order***, payable to the Wisconsin Department of Regulation and Licensing and sent to:

Department Monitor  
Division of Enforcement  
Post Office Box 8935  
Madison, Wisconsin 53708-8935  
608-261-7904

This Order shall become effective upon the date of its signing.

BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Jeannie M. Bush  
A member of the Board

12/3/07  
Date

STATE OF WISCONSIN  
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF  
DISCIPLINARY PROCEEDINGS AGAINST

NICOLE M. MORRISON,  
RESPONDENT.

STIPULATION  
LS # \_\_\_\_\_ BAC

Division of Enforcement Case File Number: 06 BAC 108

It is hereby stipulated between Nicole M. Morrison and Claudia Miran Berry, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Enforcement (06 BAC 108). Ms. Morrison consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Ms. Morrison understands that by the signing of this Stipulation she voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.
3. Ms. Morrison has been provided an opportunity to obtain legal counsel prior to signing this stipulation.
4. Ms. Morrison agrees to the adoption of the attached Final Decision and Order by the Barbering and Cosmetology Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Ms. Morrison waives all rights to any appeal of the attached order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Barbering and Cosmetology Examining Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Ms. Morrison or her attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such case advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.
7. Ms. Morrison is informed that should the Board adopt this stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department policy.
8. The Division of Enforcement joins Nicole M. Morrison in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

\_\_\_\_\_  
**Nicole M. Morrison**  
Respondent  
1951 Thurston Avenue  
Racine, Wisconsin 53403  
License numbers 600-78625 and 82-85242

\_\_\_\_\_  
Date

\_\_\_\_\_  
**Claudia Berry Miran**  
Attorney  
Division of Enforcement  
Wisconsin Department of Regulation and Licensing  
Post Office Box 8935  
Madison, Wisconsin 53708-8935

\_\_\_\_\_  
Date